

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

MAY 01 2008

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

EMMANUEL TOMBOC ALMAZAN,

Petitioner,

v.

MICHAEL B. MUKASEY, Attorney  
General,

Respondent.

No. 06-72850

Agency No. A43-353-984

MEMORANDUM<sup>\*</sup>

On Petition for Review of an Order of the  
Board of Immigration Appeals

Submitted April 22, 2008<sup>\*\*</sup>

Before: GRABER, FISHER, and BERZON, Circuit Judges.

Emmanuel Tomboc Almazan, a native and citizen of the Philippines,  
petitions for review of the Board of Immigration Appeals' ("BIA") order  
dismissing his appeal from an immigration judge's ("IJ") decision denying a

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<sup>\*</sup> This disposition is not appropriate for publication and is not precedent  
except as provided by 9th Cir. R. 36-3.

<sup>\*\*</sup> The panel unanimously finds this case suitable for decision without  
oral argument. *See* Fed. R. App. P. 34(a)(2).

waiver of inadmissibility under section 237(a)(1)(H) of the Immigration and Nationality Act and ordering him removed. We dismiss the petition for review.

We lack jurisdiction to review the agency's discretionary denial of Almazan's fraud waiver application. *See San Pedro v. Ashcroft*, 395 F.3d 1156, 1157-58 (9th Cir. 2005) ("Section 237(a)(1)(H) clearly specifies that the discretionary waiver determination lies in the hands of the Attorney General.").

We lack jurisdiction to consider Almazan's due process claim of IJ bias because Almazan failed to raise this claim in his appeal to the BIA. *See Sanchez-Cruz v. INS*, 255 F.3d 775, 780 (9th Cir. 2001) (failure to exhaust administrative remedies bars claim that petitioner was denied a "full and fair hearing before a neutral fact-finder").

**PETITION FOR REVIEW DISMISSED.**